

## Vickers Charles R. (DNREC)

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**From:** Zimmerman Robert J. (DNREC)  
**Sent:** Thursday, April 27, 2006 7:51 AM  
**To:** Vickers Charles R. (DNREC); Chesser Matthew P. (DNREC)  
**Subject:** Fw: WRITTEN COMMENTS ON STATE RESOURCE AREA MAPS

FYI - Per Dave's request.

Bob Zimmerman  
Office of the Secretary  
Delaware Dept. of Natural Resources and Environmental Control

Voice (302) 739-9000

Received

MAY 05 2006

Division of Parks & Recreation  
Director's Office

----- Original Message -----

**From:** Small David (DNREC)  
**To:** Zimmerman Robert J. (DNREC)  
**Sent:** Thu Apr 27 00:19:53 2006  
**Subject:** Fw: WRITTEN COMMENTS ON STATE RESOURCE AREA MAPS

Bob can you pass these along to Matt, Ron or whoever is the official scribe. Sorry to see light turnout - we were worried about the lack of publicity. I left a voicemail with jeff monty last week but I never saw any coverage in the nj...see you friday

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** Rich Collins <r.collins67@verizon.net>  
**To:** Small David (DNREC)  
**Sent:** Wed Apr 26 20:41:01 2006  
**Subject:** WRITTEN COMMENTS ON STATE RESOURCE AREA MAPS

Dave,

Please accept this is our written comments on State Resource Area maps.

Thanks,  
Rich

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Delaware Department of Natural Resources and Environmental Control:

I attended a so-called "public workshop" held by DNREC today on "State Resource Area Maps." This was a sparsely attended event held at the Sussex County Council chambers in Georgetown and one has to wonder if it wasn't intentional.

We got some curious information on state law at this workshop. We were told that:

- Title 7, Part VII, Chapter 75 is the controlling legal authority.
- We were told the law was passed in 1990.
- We were told that this law requires each county government to incorporate the "State Resource Protection Area Maps" into their land use plan.
- The counties are required to create overlay zones that require extra land use restrictions to protect this land.
- The requirement will be enforced by the Office for State Planning Coordination when they inform the counties whether their land use plans will be "certified" or not.

This leads to the following questions:

- If the law was created in 1990, how could it require enforcement through a land use plan that wasn't created until 1997?
- How can the state enforce these maps when HB 255, the law that gave the Office of State Planning Coordination the right to review land use plans, specifically gives final say to the county governments?
- How can DNREC tell the counties that this law requires them to restrict personal property rights? The law clearly was written to designate areas that the state might "PURCHASE" as open space. The General Assembly was not of a mind to take personal property without compensation in 1990, and probably aren't today either.
- How do they account for paragraph 7503(b)? It states, "State agencies may acquire property or rights in real property pursuant to this chapter by the use of direct acquisition for cash, by purchase money mortgage, by installment sale, etc.....STATE AGENCIES SHALL NOT EXERCISE THE RIGHT OF 'RIGHT OF EMINENT DOMAIN' TO CARRY OUT THE PROVISIONS OF THIS CHAPTER. There are other similar references.

The public process used in adopting these maps hardly gives one confidence either. The first workshop was held last night at the DNREC headquarters in Dover, and there will be a final one tomorrow as follows:

April 27 -- DNREC Public Workshop: State Resource Area Maps and Natural Areas Maps (Legal Notice) A public workshop designed to gather input for the Open Space Council and the Natural Areas Advisory Council as they consider proposed natural resource land maps. 4:00 p.m., Grass Dale Center (Fort Dupont State Park), 108 Old Reedy Point-Bridge Rd., Delaware City, DE  
Contact: Elaine Harwood, DNREC, (302) 739-9200

Finally, there will be a public hearing this coming Monday:

May 1 -- DNREC Public Hearing: State Resource Area Maps and Natural Areas Maps A public hearing designed to gather input for the Open Space Council and the Natural Areas Advisory Council as they consider proposed natural resource land maps. 6:00 p.m., DNREC Auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, DE  
Contact: Elaine Harwood, DNREC, (302) 739-9200

Here are some of the things we feel are questionable about this process:

-The workshop for New Castle County is being held at one of the most inconvenient locations available. It hardly seems designed to get much attendance.

-The purpose of a workshop is to get informal input from the public so it can be incorporated into the regulation. In this case, the public hearing will be held 2 BUSINESS DAYS after the final workshop, leaving no time to incorporate any input.

-The final regulation will be presented at the public hearing Monday night. Since any major changes would require another public hearing, it will be interesting to see how many of the public comments made at the hearing make it into the final version.

Please slow this process down. You should get an opinion from the Attorney General's office as to your interpretation of the law. Please schedule more workshops.

Thanks,  
Rich Collins  
Executive Director  
302-381-1610 cell

Received

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